Growth and Infrastructure Act 2013

2013 CHAPTER 27

Promoting growth and facilitating provision of infrastructure, and related matters

1 Option to make planning application directly to Secretary of State

(1) In the Town and Country Planning Act 1990, after section 62 insert—

"**62A When application may be made directly to Secretary of State**

(1) A relevant application that would otherwise have to be made to the local planning authority may (if the applicant so chooses) be made instead to the Secretary of State if the following conditions are met at the time it is made—

(a) the local planning authority concerned is designated by the Secretary of State for the purposes of this section; and

(b) the development to which the application relates (where the application is within subsection (2)(b)(i)), or the development for which outline planning permission has been granted (where the application is within subsection (2)(b)(ii)), is major development.

(2) In this section—

(a) "major development" means development of a description prescribed by the Secretary of State;

(b) "relevant application" means—

(i) an application for planning permission for the development of land in England, other than an application of the kind described in section 73(1); or

(ii) an application for approval of a matter that, as defined by section 92, is a reserved matter in the case of an outline planning permission for the development of land in England.

(3) Where a relevant application is made to the Secretary of State under this section, an application under the planning Acts—

(a) that is—

(i) an application for listed building consent, or for conservation area consent, under the Planning (Listed Buildings and Conservation Areas) Act 1990, or

(ii) an application of a description prescribed by the Secretary of State,

(b) that is considered by the person making the application to be connected with the relevant application,

(c) that would otherwise have to be made to the local planning authority or hazardous substances authority,

(d) that is neither a relevant application nor an application of the kind described in section 73(1), and

(e) that relates to land in England,

may (if the person so chooses) be made instead to the Secretary of State.

(4) If an application ("the connected application") is made to the Secretary of State under subsection (3) but the Secretary of State considers that it is not connected with the relevant application concerned, the Secretary of State may—

(a) refer the connected application to the local planning authority, or hazardous substances authority, to whom it would otherwise have been made; and

(b) direct that the connected application—

(i) is to be treated as having been made to that authority (and not to the Secretary of State under this section), and

(ii) is to be determined by that authority accordingly.

(5) The decision of the Secretary of State on an application made to the Secretary of State under this section shall be final.

(6) The Secretary of State may give directions requiring a local planning authority or hazardous substances authority to do things in relation to an application made to the Secretary of State under this section that would otherwise have been made to the authority; and directions under this subsection—

(a) may relate to a particular application or to applications more generally; and

(b) may be given to a particular authority or to authorities more generally.

62B Designation for the purposes of section 62A

(1) An authority may be designated for the purposes of section 62A only if—

(a) the criteria that are to be applied in deciding whether to designate the authority are set out in a document to which subsection (2) applies,

(b) by reference to those criteria, the Secretary of State considers that there are respects in which the authority are not adequately performing their function of determining applications under this Part, and

(c) the criteria that are to be applied in deciding whether to revoke a designation are set out in a document to which subsection (2) applies.

(2) This subsection applies to a document if—

(a) the document has been laid before Parliament by the Secretary of State,

(b) the 40-day period for the document has ended without either House of Parliament having during that period resolved not to approve the document, and

(c) the document has been published (whether before, during or after the 40-day period for it) by the Secretary of State in such manner as the Secretary of State thinks fit.

(3) In this section "the 40-day period" for a document is the period of 40 days beginning with the day on which the document is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).

(4) In calculating the 40-day period for a document, no account is to be taken of any period during which—

(a) Parliament is dissolved or prorogued, or

(b) both Houses of Parliament are adjourned for more than four days.

(5) None of the following may be designated for the purposes of section 62A—

(a) the Homes and Communities Agency;

(b) the Mayor of London;

(c) a Mayoral development corporation;

(d) an urban development corporation.

(6) The Secretary of State must publish (in such manner as the Secretary of State thinks fit)—

(a) any designation of an authority for the purposes of section 62A, and

(b) any revocation of such a designation.

62C Notifying parish councils of applications under section 62A(1)

(1) If an application is made to the Secretary of State under section 62A(1) and a parish council would be entitled under paragraph 8 of Schedule 1 to be notified of the application were it made to the local planning authority, the Secretary of State must notify the council of—

(a) the application, and

(b) any alteration to the application accepted by the Secretary of State.

(2) Paragraph 8(4) and (5) of Schedule 1 apply in relation to duties of the Secretary of State under subsection (1) as they apply to duties of a local planning authority under paragraph 8(1) of that Schedule.

(3) An authority designated for the purposes of section 62A must comply with requests from the Secretary of State for details of requests received by the authority under paragraph 8(1) of Schedule 1."

(2) Schedule 1 (amendments related to applications made under the new section 62A, including provision for such applications to be determined by a person appointed for the purpose unless the Secretary of State otherwise directs) has effect.

2 Planning proceedings: costs etc

(1) In section 320 of the Town and Country Planning Act 1990 (local inquiries), at the end insert—

"(3) In its application by subsection (2) to an inquiry held in England, section 250(4) of that Act has effect as if—

(a) after "the costs incurred by him in relation to the inquiry" there were inserted ", or such portion of those costs as he may direct,", and

(b) after "the amount of the costs so incurred" there were inserted "or, where he directs a portion of them to be paid, the amount of that portion"."

(2) In section 322 of that Act (orders as to costs of parties where no local inquiry held), after subsection (1A) insert—

"(1B) Section 250(4) of the Local Government Act 1972 applies to costs incurred by the Secretary of State, or a person appointed by the Secretary of State, in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to a local inquiry.

(1C) In its application for that purpose, section 250(4) of that Act has effect as if—

(a) after "the costs incurred by him in relation to the inquiry" there were inserted ", or such portion of those costs as he may direct,", and

(b) after "the amount of the costs so incurred" there were inserted "or, where he directs a portion of them to be paid, the amount of that portion".

(1D) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to proceedings in England to which this section applies which do not give rise to a local inquiry as it applies to costs incurred in relation to an inquiry."

(3) In section 322A of that Act (costs orders: supplementary), after subsection (2) insert—

"(3) Where this section applies in the case of an inquiry or hearing which was to take place in England but did not, section 250(4) of that Act applies to costs incurred by the Secretary of State or a person appointed by the Secretary of State as if—

(a) in the case of an inquiry, the inquiry had taken place;

(b) in the case of a hearing, the hearing were an inquiry which had taken place.

(4) In its application for that purpose, section 250(4) of that Act has effect as if—

(a) after "the costs incurred by him in relation to the inquiry" there were inserted ", or such portion of those costs as he may direct,", and

(b) after "the amount of the costs so incurred" there were inserted "or, where he directs a portion of them to be paid, the amount of that portion".

(5) Section 42 of the Housing and Planning Act 1986 (recovery of Minister's costs) applies to costs incurred in relation to a hearing of the kind referred to in subsection (1) or (1A) which was to take place in England but did not as

it applies to costs incurred in relation to an inquiry which was to take place but did not."

(4) In section 322B of that Act (local inquiries in London: costs), in the subsection set out in subsection (5)—

(a) after "the costs incurred by the Secretary of State in relation to the inquiry" insert ", or such portion of those costs as he may direct,", and

(b) after "the amount of the costs so incurred" insert "or, where he directs a portion of them to be paid, the amount of that portion".

(5) In section 323 of that Act (power to make provision about procedure in cases where no inquiry or hearing etc), after subsection (3) insert—

"(4) Regulations made by the Secretary of State under this section may include provision as to the circumstances in which, in proceedings in England such as are mentioned in subsection (1) or (1A)—

(a) directions may be given under section 250(4) of the Local Government Act 1972 as applied by a prescribed provision of this Act;

(b) orders for costs may be made under section 250(5) of that Act as so applied."

(6) In section 9 of the Tribunals and Inquiries Act 1992 (power to make provision about procedure in inquiries and hearings), after subsection (3) insert—

"(3ZA) Rules made by the Lord Chancellor under this section may include provision as to the circumstances in which, in statutory inquiries held in England—

(a) directions may be given under section 250(4) of the Local Government Act 1972 as applied by a provision of the Town and Country Planning Act 1990 specified in the rules;

(b) orders for costs may be made under section 250(5) of the Local Government Act 1972 as so applied."

(7) In Schedule 6 to the Town and Country Planning Act 1990 (determination of certain appeals by person appointed by the Secretary of State), in paragraph 2, after sub-paragraph (10) insert—

"(11) The Secretary of State may, if he thinks fit, direct that anything in connection with an appeal in England to which this Schedule applies which would otherwise fall to be done by an appointed person shall instead be done by the Secretary of State."

3 Compulsory purchase inquiries: costs

In section 5 of the Acquisition of Land Act 1981 (public local inquiries), after subsection (3) insert—

"(4) In relation to each of the matters mentioned in paragraphs (a) and (b) of subsection (3), section 250(5) of the Local Government Act 1972 also applies—

(a) where arrangements are made for a public local inquiry to be held in England in pursuance of this Act but the inquiry does not take place;

(b) to the costs of a party to a public local inquiry held in England in pursuance of this Act who does not attend the inquiry."

4 Permitted development rights: prior approvals

(1) In section 60 of the Town and Country Planning Act 1990 (planning permission granted by development order) after subsection (2) insert—

"(2A) Without prejudice to the generality of subsection (1), where planning permission is granted by a development order for development consisting of a change in the use of land in England, the order may require the approval of the local planning authority, or of the Secretary of State, to be obtained—

(a) for the use of the land for the new use;

(b) with respect to matters that relate to the new use and are specified in the order.

(2B) Without prejudice to the generality of subsection (1), a development order may include provision for ensuring—

(a) that, before a person in reliance on planning permission granted by the order carries out development of land in England that is a dwelling house or is within the curtilage of a dwelling house—

(i) a written description, and a plan, of the proposed development are given to the local planning authority,

(ii) notice of the proposed development, and of the period during which representations about it may be made to the local planning authority, is served by the local planning authority on the owner or occupier of any adjoining premises, and

(iii) that period has ended, and

(b) that, where within that period an owner or occupier of any adjoining premises objects to the proposed development, it may be carried out in reliance on the permission only if the local planning authority consider that it would not have an unacceptable impact on the amenity of adjoining premises.

(2C) In subsection (2B) "adjoining premises" includes any land adjoining—

(a) the dwelling house concerned, or

(b) the boundary of its curtilage."

(2) In section 70A(5) of that Act ("relevant application" includes an application for approval under section 60(2)) after "60(2)" insert ", (2A) or (2B)".

5 Local development orders: repeal of pre-adoption intervention powers

(1) The Town and Country Planning Act 1990 is amended as follows.

(2) Section 61B(1) to (7) (Secretary of State or Welsh Ministers may call in unadopted local development order for approval or may direct that it be modified) cease to apply in relation to England.

(3) Accordingly—

(a) in section 61B(1) (power to call in unadopted order) after "local planning authority" insert "in Wales,", and

(b) in section 61B(6) (power to direct that unadopted order be modified) after "local development order" insert "being prepared by a local planning authority in Wales".

(4) In section 61B, after subsection (7) insert—

"(7A) Where a local development order is adopted by a local planning authority in England, that authority must submit a copy of the order to the appropriate authority as soon after the order's adoption as is reasonably practicable."

(5) In paragraph 1 of Schedule 4A (power to specify procedure for preparing local development orders) after sub-paragraph (2) insert—

"(2A) Sub-paragraph (2)(a) applies in relation to England as if for "submission, approval, adoption," there were substituted "adoption, post-adoption submission,"."

(6) In Schedule 4A omit—

(a) paragraph 4 (information about local development orders to be included in English planning authorities' monitoring reports under section 35 of the Planning and Compulsory Purchase Act 2004), and

(b) in paragraph 1(3), the words "35 or".

6 Limits on power to require information with planning applications

In section 62 of the Town and Country Planning Act 1990 (applications for planning permission) after subsection (4) (limitation of power under section 62(3) to require inclusion of particulars and evidence in an application) insert—

"(4A) Also, a requirement under subsection (3) in respect of an application for planning permission for development of land in England—

(a) must be reasonable having regard, in particular, to the nature and scale of the proposed development; and

(b) may require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application."

7 Modification or discharge of affordable housing requirements

(1) After section 106B of the Town and Country Planning Act 1990 insert—

"**106BA Modification or discharge of affordable housing requirements**

(1) This section applies in relation to an English planning obligation that contains an affordable housing requirement.

(2) A person against whom the affordable housing requirement is enforceable may apply to the appropriate authority—

(a) for the requirement to have effect subject to modifications,

(b) for the requirement to be replaced with a different affordable housing requirement,

(c) for the requirement to be removed from the planning obligation, or

(d) in a case where the planning obligation consists solely of one or more affordable housing requirements, for the planning obligation to be discharged.

(3) Where an application is made to an authority under subsection (2) and is the first such application in relation to the planning obligation—

(a) if the affordable housing requirement means that the development is not economically viable, the authority must deal with the application in accordance with subsection (5) so that the development becomes economically viable, or

(b) if paragraph (a) does not apply, the authority must determine that the affordable housing requirement is to continue to have effect without modification or replacement.

(4) Where an application is made to an authority under subsection (2) and is the second or a subsequent such application in relation to the planning obligation, the authority may—

(a) deal with the application in accordance with subsection (5), or

(b) determine that the affordable housing requirement is to continue to have effect without modification or replacement.

(5) The authority may—

(a) determine that the requirement is to have effect subject to modifications,

(b) determine that the requirement is to be replaced with a different affordable housing requirement,

(c) determine that the planning obligation is to be modified to remove the requirement, or

(d) where the planning obligation consists solely of one or more affordable housing requirements, determine that the planning obligation is to be discharged.

(6) A determination under subsection (5)(a), (b) or (c)—

(a) may provide for the planning obligation to be modified in accordance with the application or in some other way,

(b) may not have the effect that the obligation as modified is more onerous in its application to the applicant than in its unmodified form, and

(c) may not have the effect that an obligation is imposed on a person other than the applicant or that the obligation as modified is more onerous in its application to such a person than in its unmodified form.

(7) Subsection (6)(b) does not apply to a determination in response to the second or a subsequent application under this section in relation to the planning obligation; but such a determination may not have the effect that the development becomes economically unviable.

(8) In making a determination under this section the authority must have regard to—

(a) guidance issued by the Secretary of State, and

(b) where the determination relates to an application to which section 106BB applies, any representations made by the Mayor of London in accordance with that section.

(9) The authority must give notice of their determination to the applicant—

(a) within such period as may be prescribed by the Secretary of State, or

(b) if no period is prescribed under paragraph (a) (and subject to section 106BB(5)), within the period of 28 days beginning with the day on which the application is received, or such longer period as is agreed in writing between the applicant and the authority.

(10) Where an authority determine under this section that a planning obligation is to have effect subject to modifications, the obligation as modified is to be enforceable as if it had been entered into on the date on which notice of the determination was given to the applicant.

(11) The Secretary of State may by regulations make provision with respect to—

(a) the form and content of applications under subsection (2), and

(b) the notices to be given to applicants of determinations under subsection (9).

(12) This section and section 106BC do not apply in relation to an English planning obligation if planning permission for the development was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites.

(13) In this section and section 106BC—

"affordable housing requirement" means a requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market (and it is immaterial for this purpose where or by whom the housing is or is to be provided);

"the appropriate authority" has the same meaning as in section 106A;

"the development", in relation to a planning obligation, means the development authorised by the planning permission to which the obligation relates;

"English planning obligation" means a planning obligation that—

(a) identifies a local planning authority in England as an authority by whom the obligation is enforceable, and

(b) does not identify a local planning authority in Wales as such an authority.

(14) The Secretary of State may by order amend this section so as to modify the definition of "affordable housing requirement" in subsection (13).

(15) An order under subsection (14) may have effect for the purposes of planning obligations entered into before (as well as after) its coming into force.

(16) The Mayor of London must consult the local planning authority before exercising any function under this section.

106BB Duty to notify the Mayor of London of certain applications under section 106BA

(1) This section applies to an application under section 106BA(2) in relation to a planning obligation where—

(a) the application for the planning permission to which the planning obligation relates was an application to which section 2A applied

(applications of potential strategic importance relating to land in Greater London),

(b) the application for planning permission was not determined by the Mayor of London, and

(c) pursuant to an order under section 2A or a development order, the local planning authority that determined the application for planning permission were required to consult the Mayor of London in relation to that determination.

(2) A local planning authority that receive an application to which this section applies must send a copy of the application to the Mayor of London before the end of the next working day following the day on which the application was received.

In this subsection, "working day" means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(3) The Mayor of London must notify the local planning authority before the end of the period of 7 days beginning with the day on which the application was received by the authority whether the Mayor intends to make representations about the application.

(4) Where pursuant to subsection (3) the Mayor of London notifies the local planning authority that the Mayor intends to make representations, those representations must be made before—

(a) the end of the period of 14 days beginning with the day on which the application was received by the authority, or

(b) the end of such longer period as may be agreed in writing between the authority and the Mayor.

(5) Where this section applies, section 106BA(9)(b) applies as if it required an authority to give notice of their determination to an applicant within—

(a) the period of 35 days beginning with the day on which the application was received by the authority, or

(b) such longer period as is agreed in writing between the applicant and the authority.

106BC Appeals in relation to applications under section 106BA

(1) Where an authority other than the Secretary of State—

(a) fail to give notice as mentioned in section 106BA(9),

(b) determine under section 106BA that a planning obligation is to continue to have effect without modification, or

(c) determine under that section that a planning obligation is to be modified otherwise than in accordance with an application under that section,

the applicant may appeal to the Secretary of State.

(2) For the purposes of an appeal under subsection (1)(a), it is to be assumed that the authority have determined that the planning obligation is to continue to have effect without modification.

(3) An appeal under this section must be made by notice served within such period as may be prescribed by the Secretary of State.

(4) If no period is prescribed under subsection (3), an appeal under this section must be made—

(a) in relation to an appeal under subsection (1)(a), within the period of 6 months beginning with the expiry of the period mentioned in section 106BA(9) that applies in the applicant's case, or

(b) otherwise, within the period of 6 months beginning with the date on which notice of the determination is given to the applicant under section 106BA(9).

(5) An appeal under this section must be made by notice served in such manner as may be prescribed by the Secretary of State.

(6) Subsections (3) to (8), (10) and (11) of section 106BA apply in relation to an appeal under this section as they apply in relation to an application to an authority under that section, subject to subsections (7) to (15) below.

(7) References to the affordable housing requirement or the planning obligation are to the requirement or obligation as it stood immediately before the application under section 106BA to which the appeal relates.

(8) References to the first, the second or a subsequent application in relation to a planning obligation are to an appeal under this section against a determination on the first, the second or a subsequent application in relation to the obligation (whether or not it is the first such appeal).

(9) Section 106BA(5)(d) (discharge of affordable housing requirement) does not apply in relation to an appeal under this section.

(10) Subsection (11) applies if, on an appeal under this section, the Secretary of State—

(a) does not uphold the determination under section 106BA to which the appeal relates (if such a determination has been made), and

(b) determines that the planning obligation is to be modified in accordance with section 106BA(5)(a), (b) or (c).

(11) The Secretary of State must also determine that the planning obligation is to be modified so that it provides that, if the development has not been completed before the end of the relevant period, the obligation is treated as containing the affordable housing requirement or requirements it contained immediately before the first application under section 106BA in relation to the obligation, subject to the modifications within subsection (12).

(12) Those modifications are—

(a) the modifications necessary to ensure that, if the development has been commenced before the end of the relevant period, the requirement or requirements apply only in relation to the part of the development that is not commenced before the end of that period, and

(b) such other modifications as the Secretary of State considers necessary or expedient to ensure the effectiveness of the requirement or requirements at the end of that period.

(13) In subsections (11) and (12) "relevant period" means the period of three years beginning with the date when the applicant is notified of the determination on the appeal.

(14) Section 106BA and this section apply in relation to a planning obligation containing a provision within subsection (11) as if—

(a) the provision were an affordable housing requirement, and

(b) a person against whom the obligation is enforceable were a person against whom that requirement is enforceable.

(15) If subsection (11) applies on an appeal relating to a planning obligation that already contains a provision within that subsection—

(a) the existing provision within subsection (11) ceases to have effect, but

(b) that subsection applies again to the obligation.

(16) The determination of an appeal by the Secretary of State under this section is to be final.

(17) Schedule 6 applies to appeals under this section.

(18) In the application of Schedule 6 to an appeal under this section in a case where the authority mentioned in subsection (1) is the Mayor of London, references in that Schedule to the local planning authority are references to the Mayor of London."

(2) Schedule 2 (amendments relating to this section) has effect.

(3) The amendments made by this section and that Schedule apply in relation to planning obligations within the meaning of section 106 of the Town and Country Planning Act 1990 entered into before (as well as after) the coming into force of this section.

(4) Sections 106BA, 106BB and 106BC of the Town and Country Planning Act 1990, and subsection (5) of this section, are repealed at the end of 30 April 2016.

(5) The Secretary of State may by order amend subsection (4) by substituting a later date for the date for the time being specified in that subsection.

(6) The Secretary of State may by order make transitional or transitory provision or savings relating to any of the repeals made by subsection (4).

8 Disposals of land held for planning purposes

(1) In the Town and Country Planning Act 1990, section 233 (disposal by local authorities of land held for planning purposes) is amended as follows.

(2) After subsection (3) (Secretary of State's consent required for certain disposals for consideration less than the best that can reasonably be obtained) insert—

"(3A) The Secretary of State may give consent under subsection (3)—

(a) in relation to any particular disposal or disposals, or in relation to a particular class of disposals,

(b) in relation to local authorities generally, or local authorities of a particular class, or to any particular local authority or authorities, and

(c) either unconditionally or subject to conditions (either generally, or in relation to any particular disposal or disposals or class of disposals)."

(3) After subsection (8) (exclusion of section 123 of the Local Government Act 1972) insert—

"(9) Section 128(2) of the Local Government Act 1972 (which already gives protection to purchasers etc in respect of certain land transactions, including disposals under this section by certain authorities) applies in relation to every disposal of land under this section by a local authority for an area in England; and section 29 of the Town and Country Planning Act 1959 does not apply in relation to such a disposal."

9 Electronic communications code: the need to promote growth

(1) In section 109(2) of the Communications Act 2003 (matters to which Secretary of State must have regard when making regulations about conditions and restrictions on application of electronic communications code), after paragraph (b) insert—

"(ba) the need to promote economic growth in the United Kingdom;".

(2) In section 109 of that Act (regulations specifying the restrictions and conditions subject to which the electronic communications code is to apply) after subsection (2) insert—

"(2A) Subsection (2B) applies if—

(a) the Secretary of State has complied with subsection (2)(b) in connection with any particular exercise before 6 April 2018 of the power to make regulations under this section, and

(b) the regulations in question are expressed to cease to have effect (other than for transitional purposes) before that date.

(2B) The Secretary of State is to be treated as also having complied with any duty imposed in connection with that exercise of that power by any of the following—

section 11A(2) of the National Parks and Access to the Countryside Act 1949;

section 85(1) of the Countryside and Rights of Way Act 2000;

section 17A(1) of the Norfolk and Suffolk Broads Act 1988;

section 14 of the National Parks (Scotland) Act 2000 (asp 10);

Article 4(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (S.I. 1985/170 (N.I. 1))."

(3) For the purposes of its application to section 17A of the Norfolk and Suffolk Broads Act 1988, the definition of "statutory undertaker" in section 25(1) of that Act is until 6 April 2018 to be read as if paragraph (d) were omitted.

(4) Consultation undertaken for the purposes of section 109(4) of the Communications Act 2003 in anticipation of the commencement of this section (including consultation undertaken before the passing of this Act) is as effective as consultation undertaken after that commencement.

10 Periodic review of mineral planning permissions

(1) Schedule 3 (periodic review of mineral planning permissions) has effect.

(2) The amendments made by that Schedule apply in relation to mineral permissions granted before (as well as after) its coming into force, subject to subsection (3).

(3) Those amendments do not apply in relation to a periodic review under Schedule 14 to the Environment Act 1995 of the mineral permissions relating to a mining site which is begun but not completed before the coming into force of Schedule 3.

(4) For the purposes of subsection (3) a periodic review is begun when a notice is served under paragraph 4 of Schedule 14 to the Environment Act 1995 in connection with the review, and is completed—

(a) when an application under paragraph 6 of that Schedule in connection with the review is finally determined, or

(b) if no such application is made, when the mineral permissions cease to have effect in accordance with paragraph 7 of that Schedule.

(5) Subsection (3) does not affect the determination under Schedule 14 to the Environment Act 1995 as amended by Schedule 3 of the date of any subsequent periodic review by reference to a periodic review within that subsection.

(6) Expressions used in this section which are defined in the Environment Act 1995 have the same meaning as in that Act.

11 Stopping up and diversion of highways

(1) Section 253 of the Town and Country Planning Act 1990 (procedure in anticipation of planning permission) is amended as follows.

(2) In subsection (1), omit paragraph (b) and the "and" preceding it.

(3) After subsection (1) insert—

"(1A) Where—

(a) the Welsh Ministers would, if planning permission for any development had been granted under Part 3, have power to make an order under section 247 or 248 authorising the stopping up or diversion of a highway in order to enable that development to be carried out, and

(b) subsection (2), (3) or (4) applies,

then, notwithstanding that such permission has not been granted, the Welsh Ministers may publish notice of the draft of such an order in accordance with section 252."

(4) In subsection (2)—

(a) for "Secretary of State" (in each place where it occurs) substitute "Welsh Ministers", and

(b) for ", a local development order or a neighbourhood development order" substitute "or a local development order".

(5) In subsection (4), for ", county borough, metropolitan district or London borough" substitute "or county borough,".

(6) In subsection (5)—

(a) for "or the council of a London borough" substitute ", the council of a London borough or the Welsh Ministers", and

(b) after "subsection (1)" insert "or, as the case may be, (1A)".

12 Stopping up and diversion of public paths

(1) Part 10 of the Town and Country Planning Act 1990 (highways) is amended as follows.

(2) In section 257 (footpaths, bridleways and restricted byways affected by other development: orders by other authorities), after subsection (1) insert—

"(1A) Subject to section 259, a competent authority may by order authorise the stopping up or diversion in England of any footpath, bridleway or restricted byway if they are satisfied that—

(a) an application for planning permission in respect of development has been made under Part 3, and

(b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out."

(3) In that section, in subsection (4)—

(a) omit the "and" following paragraph (a), and

(b) after paragraph (b) insert—

"(c) in the case of development in respect of which an application for planning permission has been made under Part 3, the local planning authority to whom the application has been made or, in the case of an application made to the Secretary of State under section 62A, the local planning authority to whom the application would otherwise have been made."

(4) In section 259 (confirmation of orders made by other authorities), after subsection (1) insert—

"(1A) An order under section 257(1A) may not be confirmed unless the Secretary of State or (as the case may be) the authority is satisfied—

(a) that planning permission in respect of the development has been granted, and

(b) it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission."

(5) In that section, in subsection (2), for "any such order" substitute "any order under section 257(1) or 258".

13 Declarations negativing intention to dedicate way as highway

(1) Section 31 of the Highways Act 1980 (dedication of way as highway presumed after public use for 20 years) is amended as set out in subsections (2) to (6).

(2) In subsection (6) (depositing of maps and statements and lodging of declarations by owner of land to negative presumed intention to dedicate)—

(a) in paragraph (a) omit "on a scale of not less than 6 inches to 1 mile",

(b) in the words after paragraph (b)—

(i) omit "statutory", and

(ii) after "declarations" insert "in valid form", and

(c) in sub-paragraphs (i) and (ii) for "ten" substitute "the relevant number of".

(3) After subsection (6) insert—

"(6A) Where the land is in England—

(a) a map deposited under subsection (6)(a) and a statement deposited under subsection (6)(b) must be in the prescribed form,

(b) a declaration is in valid form for the purposes of subsection (6) if it is in the prescribed form, and

(c) the relevant number of years for the purposes of sub-paragraphs (i) and (ii) of subsection (6) is 20 years.

(6B) Where the land is in Wales—

(a) a map deposited under subsection (6)(a) must be on a scale of not less than 6 inches to 1 mile,

(b) a declaration is in valid form for the purposes of subsection (6) if it is a statutory declaration, and

(c) the relevant number of years for the purposes of sub-paragraphs (i) and (ii) of subsection (6) is 10 years."

(4) After subsection (6B) (as inserted by subsection (3) above) insert—

"(6C) Where, under subsection (6), an owner of land in England deposits a map and statement or lodges a declaration, the appropriate council must take the prescribed steps in relation to the map and statement or (as the case may be) the declaration and do so in the prescribed manner and within the prescribed period (if any)."

(5) In subsection (7)—

(a) for "and (6) above" substitute ", (6), (6C) and (13)", and

(b) for "subsection (6)" substitute "subsections (6), (6C) and (13)".

(6) After subsection (12) insert—

"(13) The Secretary of State may make regulations for the purposes of the application of subsection (6) to land in England which make provision—

(a) for a statement or declaration required for the purposes of subsection (6) to be combined with a statement required for the purposes of section 15A of the Commons Act 2006;

(b) as to the fees payable in relation to the depositing of a map and statement or the lodging of a declaration (including provision for a fee payable under the regulations to be determined by the appropriate council).

(14) For the purposes of the application of this section to land in England "prescribed" means prescribed in regulations made by the Secretary of State.

(15) Regulations under this section made by the Secretary of State may make—

(a) such transitional or saving provision as the Secretary of State considers appropriate;

(b) different provision for different purposes or areas."

(7) In consequence of the amendment made by subsection (2)(c), omit paragraph 3 of Schedule 6 to the Countryside and Rights of Way Act 2000.

14 Registration of town or village green: reduction of section 15(3)(c) period

(1) Section 15 of the Commons Act 2006 (registration of greens) is amended as follows.

(2) In subsection (3), in paragraph (c), for the words from "the period" to the end of the paragraph substitute "the relevant period".

(3) After that subsection insert—

"(3A) In subsection (3), "the relevant period" means—

(a) in the case of an application relating to land in England, the period of one year beginning with the cessation mentioned in subsection (3)(b);

(b) in the case of an application relating to land in Wales, the period of two years beginning with that cessation."

15 Registration of town or village green: statement by owner

In the Commons Act 2006, after section 15 (registration of greens) insert—

"**15A Registration of greens: statement by owner**

(1) Where the owner of any land in England to which this Part applies deposits with the commons registration authority a statement in the prescribed form, the statement is to be regarded, for the purposes of section 15, as bringing to an end any period during which persons have indulged as of right in lawful sports and pastimes on the land to which the statement relates.

(2) Subsection (1) does not prevent a new period commencing.

(3) A statement under subsection (1) must be accompanied by a map in the prescribed form identifying the land to which the statement relates.

(4) An owner of land may deposit more than one statement under subsection (1) in respect of the same land.

(5) If more than one statement is deposited in respect of the same land, a later statement (whether or not made by the same person) may refer to the map which accompanied an earlier statement and that map is to be treated, for the purposes of this section, as also accompanying the later statement.

(6) Where a statement is deposited under subsection (1), the commons registration authority must take the prescribed steps in relation to the statement and accompanying map and do so in the prescribed manner and within the prescribed period (if any).

(7) Regulations may make provision—

(a) for a statement required for the purposes of this section to be combined with a statement or declaration required for the purposes of section 31(6) of the Highways Act 1980;

(b) for the requirement in subsection (3) to be satisfied by the statement referring to a map previously deposited under section 31(6) of the Highways Act 1980;

(c) as to the fees payable in relation to the depositing of a statement under subsection (1) (including provision for a fee payable under the regulations to be determined by the commons registration authority);

(d) as to when a statement under subsection (1) is to be regarded as having been deposited with the commons registration authority.

(8) An agreement under section 4(3) of this Act or section 2(2) of the Commons Registration Act 1965 which would have the effect of requiring an owner of land to deposit a statement under subsection (1) with a registration authority in Wales is to be disregarded for the purposes of this section.

(9) In this section "prescribed" means prescribed in regulations.

15B Register of section 15A statements

(1) Each commons registration authority must keep, in such manner as may be prescribed, a register containing prescribed information about statements deposited under section 15A(1) and the maps accompanying those statements.

(2) The register kept under this section must be available for inspection free of charge at all reasonable hours.

(3) A commons registration authority may discharge its duty under subsection (1) by including the prescribed information in the register kept by it under section 31A of the Highways Act 1980 (register of maps and statements deposited and declarations lodged under section 31(6) of that Act).

(4) Regulations may make provision—

(a) where a commons registration authority discharges its duty under subsection (1) in the way described in subsection (3), for the creation of a new part of the register kept under section 31A of the Highways Act 1980 for that purpose;

(b) as to the circumstances in which an entry relating to a statement deposited under section 15A(1) or a map accompanying such a statement, or anything relating to the entry, is to be removed from the register kept under this section or (as the case may be) the register kept under section 31A of the Highways Act 1980.

(5) In this section "prescribed" means prescribed in regulations."

16 Restrictions on right to register land as town or village green

(1) In the Commons Act 2006, after section 15B (as inserted by section 15 of this Act) insert—

"**15C Registration of greens: exclusions**

(1) The right under section 15(1) to apply to register land in England as a town or village green ceases to apply if an event specified in the first column of the Table set out in Schedule 1A has occurred in relation to the land ("a trigger event").

(2) Where the right under section 15(1) has ceased to apply because of the occurrence of a trigger event, it becomes exercisable again only if an event specified in the corresponding entry in the second column of the Table occurs in relation to the land ("a terminating event").

(3) The Secretary of State may by order make provision as to when a trigger or a terminating event is to be treated as having occurred for the purposes of this section.

(4) The Secretary of State may by order provide that subsection (1) does not apply in circumstances specified in the order.

(5) The Secretary of State may by order amend Schedule 1A so as to—

(a) specify additional trigger or terminating events;

(b) amend or omit any of the trigger or terminating events for the time being specified in the Schedule.

(6) A trigger or terminating event specified by order under subsection (5)(a) must be an event related to the development (whether past, present or future) of the land.

(7) The transitional provision that may be included in an order under subsection (5)(a) specifying an additional trigger or terminating event includes provision for this section to apply where such an event has occurred before the order is made or before it comes into force and as to its application in such a case.

(8) For the purposes of determining whether an application under section 15 is made within the period mentioned in section 15(3)(c), any period during which an application to register land as a town or village green may not be made by virtue of this section is to be disregarded."

(2) Schedule 4 (which inserts the new Schedule 1A to the Commons Act 2006) has effect.

(3) In that Act of 2006, in section 59 (orders and regulations)—

(a) after subsection (3) insert—

"(3A) A statutory instrument containing an order under section 15C(5) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.", and

(b) in subsection (4), after "subsection (3)" insert "or (3A)".

(4) For the purposes of the application of section 15C of the Commons Act 2006 (as inserted by subsection (1) above), it does not matter whether an event specified in the first column of Schedule 1A to that Act occurred before or on or after the commencement of this section.

(5) The amendment made by subsection (1) does not apply in relation to an application under section 15(1) of the Commons Act 2006 which is sent before the day on which this section comes into force.

17 Applications to amend registers: modification of power to provide for fees

In section 24 of the Commons Act 2006 (regulations about making and determination of Part 1 applications)—

(a) omit subsection (2)(d) (provision for England and Wales in the same terms as the provision for Wales made by the new subsection (2B)), and

(b) after subsection (2) insert—

"(2A) Regulations under subsection (1) made by the Secretary of State may make provision as to the fees payable in relation to an application (including provision for a fee payable under the regulations to be determined by the person to whom the application is made or (if different) the person by whom the application is to be determined).

(2B) Regulations under subsection (1) made by the Welsh Ministers may make provision as to the fee payable on an application (which may be a fee determined by the person to whom the application is made)."